

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TruePosition, Inc.,)	
)	
Plaintiff/)	
Counterclaim-Defendant,)	
)	Civil Action No. 05-747-SLR
v.)	
)	
Andrew Corporation,)	
)	
Defendant/)	
Counterclaim-Plaintiff.)	
)	

**TRUEPOSITION’S MOTION
FOR PARTIAL SUMMARY JUDGMENT THAT
ANDREW CANNOT PROVE ITS CLAIMS OF INVALIDITY**

Plaintiff/Counterclaim-Defendant TruePosition, Inc. (“TruePosition”) hereby respectfully moves, under Rule 56 of the Federal Rules of Civil Procedure, for the entry of summary judgment in its favor dismissing Defendant/Counterclaim-Plaintiff Andrew Corporation’s First Affirmative Defense and Counterclaim I to the extent that each asserts that U.S. Patent No. 5,327,144 and “its claims are invalid...under one or more Sections of Title 35 of the United States Code, including §§ 101, 102, 103, and/or 112...” (D.I. 48 at p. 9 & p. 11, ¶ 9).

Grounds in support of this motion, showing a lack of genuine issues of material fact relating to invalidity, are set forth in the accompanying memorandum in support of this motion, which is incorporated herein by reference.

Respectfully submitted,

DATED: January 31, 2007

By: /s/ *James D. Heisman*
CONNOLLY BOVE LODGE & HUTZ LLP
James D. Heisman, Esq. (#2746)
1007 N. Orange Street
P.O. Box 2207
Wilmington, DE 19899
Telephone: (302) 658-9141
Facsimile: (302) 252-4208

WOODCOCK WASHBURN LLP
Paul B. Milcetic, Esq. (pro hac vice)
Dale M. Heist, Esq. (pro hac vice)
David L. Marcus, Esq. (pro hac vice)
Kathleen A. Milsark, Esq. (pro hac vice)
Daniel J. Goettle, Esq. (pro hac vice)
Cira Center, 12th Floor
2929 Arch Street
Philadelphia, PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TruePosition, Inc.,)	
)	
Plaintiff/)	
Counterclaim-Defendant,)	
)	
v.)	Civil Action No. 05-747-SLR
)	
Andrew Corporation,)	
)	
Defendant/)	
Counterclaim-Plaintiff.)	
)	

ORDER

AND NOW, this _____ day of _____, 2007,
upon consideration of TruePosition's Motion For Partial Summary Judgment that
Andrew Cannot Prove Its Claims of Invalidity, together with the supporting
memorandum and all opposing papers thereto, it is hereby ORDERED that
TruePosition's motion is GRANTED.

It is FURTHER ORDERED that, pursuant to Rule 56 of the Federal Rules of
Civil Procedure, the First Affirmative Defense and Counterclaim I filed by
Defendant/Counterclaim-Plaintiff Andrew Corporation (D.I. 48 at p. 9 & p. 11, ¶
9) are hereby dismissed to the extent they plead invalidity.

BY THE COURT:

Sue. L. Robinson
United States District Judge

CERTIFICATE OF SERVICE

I, James D. Heisman, hereby certify that on this 31st day of January, 2007, I caused a true and correct copy of the foregoing **TruePosition's Motion for Partial Summary Judgment that Andrew Cannot Provide its Claims of Invalidity** upon the following individuals in the manner indicated below:

Via hand-delivery

Josy W. Ingersoll, Esq.
Young Conaway Stargatt & Taylor, LLP
100 West Street, 17th Floor
Wilmington, DE 19801
jingersoll@ycst.com

Via e-mail

Patrick D. McPherson, Esq.
Duane Morris LLP
1667 K Street, N.W.
Washington, DC 20006-1608
PDMcPherson@duanemorris.com

Via e-mail

Rachel Pernic Waldron, Esq.
Kirkland & Ellis LLP
200 East Randolph Drive
Chicago, IL 60601
rpernicwaldron@kirkland.com

/s/ James D. Heisman

James D. Heisman (# 2746)